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17169 U.S. PTO

PTO/SB/05 (01-04)

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	BostonBrace/Belt/Con
First Inventor	MILLER, James Russell
Title	Adjustable, Interlocking Iliac Crest Belt for Body Brace
Express Mail Label No.	EV 064 498 107 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 26]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Sheets 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other Certificate of Exp. Mail; Copy of Petition for Extension of Time to File Appeal Brief in co-pending Appln. No. 09/705861

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/705,861

Prior application information:

Examiner Huong Q. PhamArt Unit: 3764For CONTINUATION OR DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The Incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number: 24390 OR ☐ Correspondence address below

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Name (Print/Type)	David Jacobs	Registration No. (Attorney/Agent)	31,770
Signature		Date	April <u>11</u> , 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

15364 U.S. PTO  
10/824765

041404

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Applicant: James Russell Miller  
Date Filed Herewith: April 14, 2004  
Title: Adjustable, Interlocking Iliac Crest Belt for Body Brace  
Attorney Docket No.: BostonBrace/Belt/CON

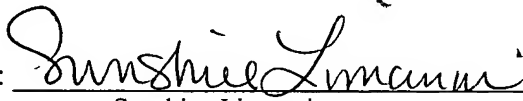
**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that the attached correspondence is being deposited, under 37 CFR 1.10, with the United States Postal Service "Express Mail Post Office to Addressee" Service, Label No. --

EV 064 498 107 US

-- On April 14, 2004, in an envelope addressed to **MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Signature of person mailing:

  
Sunshine Limanni

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**


First Named Inventor: James Russell Miller  
Title: Adjustable, Interlocking Iliac Crest Belt for Body Brace  
Attorney Docket No.: BostonBrace/Belt/CON

**NONPUBLICATION REQUEST UNDER 35 USC 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 USC 122(b)

Dated: April 14, 2004

  
David Jacobs  
Attorney for Applicants  
Reg. No. 31,770

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 USC 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

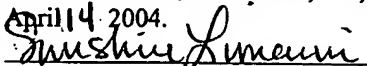
If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the USPTO of such filing within forty-five days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 USC 122(b)(2)(B)(iii)).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: James Russell Miller  
Patent Application No.: 09/705,861  
Filed: November 1, 2000  
Title: Adjustable, Interlocking Iliac Crest Belt for Body Brace  
Attorney Docket: BostonBrace/Belt  
Examiner: Huong Q. Pham  
Art Unit: 3764

\*\*\*\*\*  
**Certificate of Facsimile Transmission**

I hereby certify that the attached correspondence is being transmitted via facsimile to the Commissioner for Patents, Mail Stop Appeal Brief, P.O. Box 1450, Alexandria, VA, 22313-1450, facsimile telephone number 703.872.9306, on this day, April 14, 2004.

  
Sunshine Limanni

\*\*\*\*\*

BY FACSIMILE – 703-872-9306

Mail Stop: APPEAL BRIEF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

1 Total Page

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**PETITION FOR EXTENSION OF TIME**

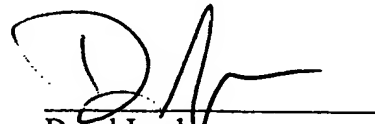
Sir:

Pursuant to the provisions of 37 CFR §1.136, the Applicant respectfully requests a two month extension of the time to file an Appeal Brief in response to the Notice of Appeal filed December 18, 2003 in connection with the above-identified patent application.

This communication constitutes the authority to charge the Gesmer Updegrove LLP Deposit Account, account number 122-315 for the fee required by 37 CFR §1.17(a)(2).

Respectfully submitted,

Dated: April 14, 2004



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